

February 18, 2014

Federal Bureau of Investigation
Records/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

To Whom It May Concern:

This is a request under the **Federal Freedom of Information Act (FOIA)**, the First Amendment to the United States Constitution, the common law of the United States, the Privacy Act (5 U.S.C.) section 552a, and any statute providing for public access to government information:

I request all records concerning a deceased individual named Pete Seeger.

This individual was born in Manhattan, N.Y. on May 3, 1919 and died on January 27, 2014. Seeger was a world-famous folk singer and songwriter.

As proof of death, I have enclosed a copy of an obituary for Seeger: "Pete Seeger, Champion of Folk Music and Social Change, Dies at 94," Jon Pareles, *The New York Times*, January 28, 2014.

If possible, I would prefer to receive the largest number of records or documents in electronic form.

I am filing this FOIA request as a "representative of the news media" since I am a reporter for *The Hill* newspaper. This designation entitles me to a waiver of fees accumulated during the actual search and review process. However, if your agency does determine that I should be charged for any part of this request, please contact me before any searches reach an estimate cost of \$25.

Now published five times a week, *The Hill* delivers solid, non-partisan and objective reporting on the business of Washington, covering the inner-workings of Congress, as well as the nexus between politics and business. For more information about *The Hill*, please refer to www.thehill.com.

In reference to our request I have provided the following information addressing the points listed in the Department of Justice's FOIA Guide, 2002 Edition: Fees and Fee Waivers, as found online at <http://www.usdoj.gov/oip/fees.htm>.

1. The content from these documents "is likely to contribute" to the understanding of your agency to the common reader. Our reporting would not be possible without the specific content garnered by the release of the requested information. Prior to any action on this FOIA request, this information is not in the public domain.

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2. Due to the nature of our organization, *The Hill*, the disclosure under our FOIA request will "contribute to the understanding of the public at large." The information will be printed in our newspaper, *The Hill*, and on our website, www.thehill.com, and will be read by a large number of people. The newspaper's current circulation is 21,000 and is read by members of Congress, Capitol Hill staff members, executive branch officials, lobbyists and interest groups in the Washington. We expect the information produced through this and other FOIA requests to serve as the basis for several articles that explain the actions and operations of government to the general public.

3. Reporters at *The Hill* newspaper also possess the skills necessary to process the requested information. We write articles for print and online publication. Other members of the media consider us to be a news organization of high standing as evidenced by our numerous awards over the years. Additionally, many federal agencies have deemed *The Hill* to be a news media outlet for FOIA requests.

4. The disclosures we requested through the Freedom of Information Act do not primarily serve any "commercial interest." Any data derived from our request will be used primarily to educate the public and will be distributed freely. As described in section (3), we represent the news media and plan to distribute this information to the public.

As I am sure you are aware, the Freedom of Information Act requires that if part of a record is exempt from disclosure, you must redact and release all segregated parts. Please describe the deleted material in detail and specify the reasons for believing that the alleged statutory justification applies in this instance.

Do contact me by telephone or e-mail if you have any questions regarding this request or recommendations on how to streamline or revise it. If my request is denied in whole or in part, please specify which exemption(s) is (are) claimed for each passage or whole document denied. In addition, please give the number of pages in each document and the total number of pages pertaining to this request and the dates of the documents withheld. Please provide copies of any logs, internal tracking numbers or other file-tracking device or system of documents in existence but denied disclosure. Such statements will be helpful in deciding whether to appeal an adverse determination.

I appreciate your attention to this and expect, as the FOIA provides, to hear from your office within 20 days. If you have any questions about the nature or scope of this request, please call me at [REDACTED]

Sincerely,

Kevin Bogardus
Staff writer



The Hill
1625 K Street NW, Suite 900
Washington, DC 20006

[REDACTED]
Cell: [REDACTED]

Fax: 202-628-8503
[REDACTED]

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EXPLANATION OF EXEMPTIONS

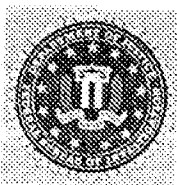
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

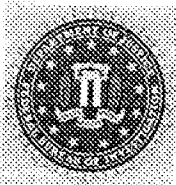
Enclosure



FBI FACT SHEET

- The primary functions of the FBI are national security and law enforcement.
- The FBI does not keep a file on every citizen of the United States.
- The FBI was not established until 1908 and we have very few records prior to the 1920s.
- FBI files generally contain reports of FBI investigations of a wide range of matters, including counterterrorism, counter-intelligence, cyber crime, public corruption, civil rights, organized crime, white collar crime, major thefts, violent crime, and applicants.
- The FBI does not issue clearances or non-clearances for anyone other than its own personnel or persons having access to FBI facilities. Background investigations for security clearances are conducted by many different Government agencies. Persons who received a clearance while in the military or employed with some other government agency should contact that entity. Most government agencies have websites which are accessible on the internet which have their contact information.
- A criminal history summary check or "rap sheet" is NOT the same as an "FBI file." It is a listing of information taken from fingerprint cards and related documents submitted to the FBI in connection with arrests, federal employment, naturalization or military service. The subject of a "rap sheet" may obtain a copy by submitting a written request to FBI, Criminal Justice Information Services (CJIS) Division, Record Request, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306. Along with a specific written request, the individual must submit a new full set of his/her fingerprints in order to locate the record, establish positive identification, and ensure that an individual's records are not disseminated to an unauthorized person. The fingerprint submission must include the subject's name, date and place of birth. There is a required fee of \$18 for this service, which must be submitted by money order or certified check made payable to the Treasury of the United States. A credit card payment option is also available. Forms for this option and additional directions may be obtained by accessing the FBI Web site at www.fbi.gov/about-us/cjis/background-checks/background_checks.
- The National Name Check Program (NNCP) conducts a search of the FBI's Universal Index (UNI) to identify any information contained in FBI records that may be associated with an individual and provides the results of that search to a requesting federal, state or local agency. Names are searched in a multitude of combinations and phonetic spellings to ensure all records are located. The NNCP also searches for both "main" and "cross reference" files. A main file is an entry that carries the name corresponding to the subject of a file, while a cross reference is merely a mention of an individual contained in a file. The results from a search of this magnitude can result in several "hits" and "idents" on an individual. In each instance where UNI has identified a name variation or reference, information must be reviewed to determine if it is applicable to the individual in question.
- The Record/Information Dissemination Section (RIDS) searches for records and provides copies of FBI files responsive to Freedom of Information or Privacy Act (FOIPA) requests for information. RIDS provides responsive documents to requesters seeking "reasonably described information." For a FOIPA search, the subject's name, event, activity, or business is searched to determine whether there is an associated investigative file. This is called a "main file search" and differs from the NNCP search.

FOR GENERAL INFORMATION ABOUT THE FBI, VISIT OUR WEBSITE AT
www.fbi.gov



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

February 26, 2014

MR KEVIN BOGARDUS
THE HILL
SUITE 900
1625 K STREET NW
WASHINGTON, DC 20006

FOIPA Request No.: 1254577-000
Subject: SEEGER, PETER

Dear Mr. Bogardus:

This is in response to your Freedom of Information (FOIA) request.

A search of the Central Records System maintained at FBI Headquarters indicated that records potentially responsive to the FOIA have been sent to the National Archives and Records Administration (NARA). Since these records were not reviewed, it is not known if they are actually responsive to the FOIA.

If you wish to review these potentially responsive records, send your request to NARA at the following address using file number 100-HQ-200845 as a reference:

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

By standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

It is unnecessary to adjudicate your fee waiver because no responsive main file records were processed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Enclosed for your information is a copy of the FBI Fact Sheet.

Sincerely,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section